

Minutes of November 21, 2003 Meeting
2270 Trumble Road
Perris

1. Chair Beswick called the special meeting to order at 9:15 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson
William Ruh

Draft

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Robert L. Holub, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Hope A. Smythe, Chief, Basin Planning (Inland Waters)
Mark E. Smythe, Chief, Storm Water (Coastal Waters)
Gary D. Stewart, Chief, Surveillance and Enforcement
Jorge León, Office of Chief Counsel
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Public Attendance

Norm Thomas, Western Municipal Water District
Rod Cruze, City of Riverside
Jack Wamsley, City of Canyon Lake
Matt Tebbetts, Kennedy/Jenks Consultants
Randy Record, RGR Dairy Farm
Danielle Sakai, Best Best & Krieger
Ken Pary
Mark Norton, SAWPA
Shari McTiver
Mary Hornbel, RBF Consulting
Joe LeClaire, Wildermuth Environmental
Mark Wildermuth, Wildermuth Environmental
Andy Malone, Wildermuth Environmental
Jim Colston, Orange County Sanitation District
Robert Nobles, Jr., CA Institute for Men
R. Pete Hall, CA Institute for Men
Jack Hagerman, CA Institute for Men
Linda Nixon, City of Hemet
Greg Woodside, Orange County Water District
John Rossi, Chino Basin Watermaster
Jack Nelson, Yucaipa Valley Water District

Tom Clifton, State Dept. of Corrections
Ranjov Goonetilleue, So. Calif. Gas Company
Behrooz Mortazavi, Eastern Municipal Water District

2. Public Forum

Randy Record, RGR Dairy, advised the Board that he no longer had any connection with permittee Jack Tuls/Jack Tuls Dairy and asked for direction in having his name removed from the permit. Counsel León advised the Board that Mr. Record should submit documentation supporting his request.

3. Approval of Minutes of the Special Meeting of September 26, 2003 and the Regular Meeting of October 3, 2003.

Action: It was moved by Member Ruh, seconded by Member Solorio and unanimously approved that the Board adopt the Minutes of September 26, 2003 and October 3, 2003, as presented.

4. Consideration of Consent Calendar Items.

It was noted that Item No. 9 had been postponed; Items No. 7 and 10 had errata.

Action: It was moved by Member Ruh, seconded by Member Withers, and unanimously approved that the Board adopt Orders No. R8-2003-0016, 0117, 0122, and 0131 as presented, and RB8-2003-0113 with errata, and approve Item No. 10 with errata.

*5. Amendment of Waste Discharge Requirements, Order No. R8-2003-0003, Waste Discharge and Producer/User Water Recycling Requirements for Inland Empire Utilities Agency, Regional Water Recycling Plant No. 5, San Bernardino County (NPDES No. CA8000402), Order No. R8-2003-0116

*6. Amendment of Waste Discharge Requirements, Order No. 01-45, Colton/San Bernardino Regional Tertiary Treatment & Water Reclamation Authority, Regional Tertiary Treatment Rapid Infiltration and Extraction Facility, San Bernardino County (NPDES No. CA8000304), Order No. R8-2003-0117

*7. Reissuance of Waste Discharge Requirements, Western Municipal Water District, March Wastewater Reclamation Facility, Order No. R8-2003-0113 (With errata)

*8. Cease and Desist Order, Western Municipal Water District, March Wastewater Reclamation Facility, Riverside County Order No. R8-2003-0122

*9. Waste Discharge Requirements, Bruce Hohn/AVMGH II Limited Partnership, Temescal Creek Remediation Project/Inert Waste Disposal, Corona, Riverside County, Order No. R8-2003-0103

*10. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement – Virginia Buckingham, 6777 Frank Avenue, Mira Loma, Riverside County.

*10A. Emergency Conditional Waiver of Statutory Requirements to File a Report of Waste Discharge and Prescribe Waste Discharge Requirements for Management and Disposal of Solid Wastes from the 2003 Wildfire Destruction in the Santa Ana Region, Resolution No. R8-2003-0131.

Counsel León recommended that the Board make a finding of the existence of an “emergency” under the Government Code noticing provisions in light of the fact that the notice of item 10A was issued less than ten (10) days before today’s meeting.

Action: The Board, motion by Member Ruh, seconded by Member Withers, determined the existence of an emergency under Government Code Section 11125.5. It then unanimously affirmed its vote to approve item 10A.

11. Report of Hearing Panel to Full Board, Kaiser Resources, Resolution No. R8-2003-0109

This item was postponed at the request of both Kaiser and the City of Ontario. The parties have reached a tentative agreement and resolution is anticipated by the January 22, 2004 Board meeting. As a result, the Panel Hearing scheduled for November 10, 2003, was not held.

12. Public Workshop, Basin Plan Amendment, Related to Nitrogen and Total Dissolved Solids Management in the Santa Ana Region

Information pertaining to this item is contained in a verbatim transcript.

Hope A. Smythe, Chief, Basin Planning (Inland Waters), presented a brief history of the item and the current status. Public comments will continue, and the item will be presented to the Board for consideration on January 22, 2004.

Mark Norton, SAWPA, expressed appreciation to the Board and staff on behalf of the Task Force for their ongoing efforts to bring this to resolution. He felt that this had been a thorough process and well supported by everyone involved. Board Chair Beswick thanked Mr. Norton and asked that he convey the Board’s appreciation to the Task Force for a job well done.

John Rossi, CEO, Chino Basin Watermaster, thanked the Board and staff for an excellent job on a difficult task and to the Task Force for all their efforts. EO Thibeault recognized Mr. Rossi as a great supporter of this process and an excellent consensus builder.

13. Administrative Civil Liability Complaint, Pyro Spectaculars, Inc., San Bernardino County, Order No. R8-2003-0115

The Executive Officer reached a settlement with Pyro Spectaculars in this matter.

14. Mandatory Penalties Complaint, USA Gasoline Corporation, San Bernardino County, Mandatory Penalties Complaint No. R8-2003-0093

This item was postponed to January 22, 2004.

15. Mandatory Penalties Complaint, Ross Pallets, Inc., Orange County, Mandatory Penalties Complaint No. R8-2003-0119

This item was paid and waived, and no further Board action was required.

16. Mandatory Penalties Complaint, Pilkington Aerospace, Inc., Orange County, Mandatory Penalties Complaint No. R8-2003-0118

This item was paid and waived, and no further Board action was required.

17. Administrative Civil Liability Complaint, Consolidated Container Co., Orange County, Administrative Civil Liability Complaint No. R8-2003-0120

This item was paid and waived, and no further Board action was required.

CHANGE THE ORDER OF THE AGENDA

26. Closed Session

Counsel León cited Litigation listed on page 4, item No. 4 of the Agenda as basis for the closed session. The Board entered into closed session with Counsel Leon at 10:40 a.m. and resumed the open meeting at 11:00 a.m.

18. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

At the October 3, 2003 Board meeting, Staff reported the issuance of twenty Investigation Orders to suspected dischargers and property owners regarding the perchlorate pollution. AEO Berchtold identified those suspected dischargers that have conducted activities or communicated with staff since the October meeting. Those dischargers are Pryo Spectaculars, Inc., and Astro Pyrotechnics, American Promotional Events, Inc. – West (APE-West), Messrs. Wong Chung Ming and Thomas O. Peters (Rialto property owners), the County of San Bernardino, Zambelli Fireworks, and Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation/Kwikset).

Emhart/Black & Decker's activities with regard to filings in the State Superior Court, Riverside County, were also outlined.

19. Nomination and Election of Regional Board Officers for 2004

Committee members Dotson, Solorio, and Van Gundy reported to the Board that Chair Beswick and Vice Chair Ameri had agreed to continue in their positions for the 2004 year. The committee noted the excellent leadership of the Chair and Vice chair and felt that the issues before the Board were best served by maintaining stable and consistent leadership.

Action: It was moved by Member Dotson, seconded by Member Solorio and unanimously approved that the Board re-elect Member Beswick as Chair and Member Ameri as Vice chair for the 2004 year.

20. Board Meeting Dates and Locations for 2004

Action: It was moved, seconded, and unanimously approved that the Board adopt the meeting dates and locations for 2004 as presented.

21. Sewage Spill Incidents Report

Member Withers questioned a spill reported by the City of Ontario at the Whispering Lakes pump station and asked how long the station would have been down, and whether the City of Ontario had taken any steps or any future corrective actions. Gary Stewart, Chief, Surveillance and Enforcement, responded that it was only a matter of hours. None of the discharge reached surface water. It was either percolated or recovered. A response from the City of Ontario to a strong letter issued by Board staff is expected early next week. The long-term solution is that they plan to discontinue using this lift station. They have committed to increased and better monitoring as a short-term solution.

Member Withers asked for a future report on this item.

22. Quarterly Violations Report

23. General Permits

The preceding reports were accepted as presented.

24. Executive Officer's Report

There was no additional report.

25. Regional Board Member Communications

26. Closed Session

Closed Session was heard earlier.

27. Adjournment to the regular meeting of Thursday, January 22, 2004, at 9:00 a.m., at the City Council Chambers of Loma Linda.

The Board was adjourned at 11:15 a.m. to January 22, 2004 at Loma Linda.

Respectfully submitted:

GERARD J. THIBEAULT
Executive Officer

/bjl